ep 1007 (H) (3)

IN THE HIGH COURT OF CHHATTISHGARH AT BILASPUR

Writ Petition No. 561 **2004**

PETITIONER -------- Sangeeta Shrivastava W/o Ramkrishna Shrivastava , aged about 38 Years , Occu.- Transporter , Resi. Of Bhatthi Road , Ambikapur (Surguja (C.G.)

VERSUS

RESPONDENTS------ 1. State of Chhattishgarh , Secretary Department of Food and Civil Supplies D.K.S. Bhawan , Raipur (C.G.).

2. President , Chhattishgarh State Civil Supplies Corporation Limited , Raipur(C.G.).
3. Managing Director Chhattishgarh State Civil Supplies Corporation Ltd. , Raipur(C.G.).
4. J.P. Pandey District Manager , Chhattishgarh State Civil Supplies Corporation Ltd. Ambikapur , Distt. Surguja (C.G.).
5. District Management Chhattishgarh , Civil Supply Corporation Ltd. , Ambikapur , Distt. Surguja (C.G.)
6. V.Lakda Food officer , Collectorate , Ambikapur , Distt. Surguja (C.G.).
7. District Collector , Surguja Ambikapur (C.G.).

P. R. No. 559/04 by Shri Hamida Siddiqui 19.2.04

शपथ आयुक्त एम.के. शुक्ला जिला बिलासपुर (छ.ग.) बिलासपुर तहसील कोर्ट 19-2-04

19-2-04 Clerk to A. G. Bilaspur

H.C. Advo.

(2) (4)

PETITION UNDER ARTCLES 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT, ORDER OR / AND DIRECTION IN THE NATURE OF MANDAMUS / CERTIORARI OR ANY OTHER APPROPRIATE NATURE .

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 561/2004 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

26-3-2004

Smt. Hameeda Siddique, counsel for the petitioner.

Shri Bhaskar Pyasi, Panel Lawyer for the State/respondent No.1.

Heard both the counsel.

The petitioner has preferred this writ petition being aggrieved by the order dated 6-2-2004 passed by respondent No.3 whereby the amount payable to the petitioner has been withheld and a direction for registration of a criminal case against the petitioner has been issued.

The petitioner's case is that on 27-1-2004 the petitioner was handed over 250 Gunny bags containing 125.887 quintals of wheat (B.P.L.) from Vishrampur depot for the transportation and delivery to Ramanujganj. In the said Gunny bags wheat was loaded in the truck bearing registration No.CG-15/ZC/0453. The said truck bearing registration No. CG-15/ZC/0453 left Vishrampur for its destination to Ramanujganj. But, by the time it reached to Ambikapur, the rear tyre of the truck was burst, therefore, per-force the petitioner had to change the vehicle and the wheat was shifted in another vehicle bearing registration No. CG-15/ZC/0742 and the truck reached to Ramanujganj on 29-1-2004.

But, on 30-1-2004 the Food Officer namely, Chitrabhan Singh prepared a seizure memo and handed over the wheat on Supurdnama to one Ajay Sharma.

Learned counsel for the petitioner submits that the petitioner has not deliberately taken the wheat to some other place, but on account of the fact that the rear tyre of the truck was burst, therefore, per-force

XI-HC-22

(52)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.561/2004 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित (2)	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

the petitioner had to shift the wheat in the other truck and it took time. There was no fault on the part of the petitioner. Counsel further submits that the petitioner may be allowed to make a representation to respondent No.3 within a period of 10 days and respondent No.3 may be directed to decide the representation to which the learned counsel for the State/respondent No.1 has no objection.

Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, the petitioner is allowed to make a detailed representation raising all her grievance to respondent no.3 within a period of 10 days from today and in turn, respondent no.3 will decide the representation of the petitioner within a period of 30 days from the date of receipt of the representation considering all the grievances of the petitioner and will pass a reasoned order.

In view of this order, M.(W.)P. No.488/2004 and I.A. No.1253/2004 stand disposed of.

With the aforesaid directions, this writ petition stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Parve/Sunita

[पीछे देखिये